

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JUDITH WASILEWSKI,

Plaintiff,

v

BETTEN HYUNDAI, INC.,

Defendant.

Case No:

Hon. \_\_\_\_\_

---

Charissa C. Huang (P75501)  
Jonathan J. Paasch (P81551)  
Attorneys for Plaintiff  
Smith Haughey Rice & Roegge  
100 Monroe Center N.W.  
Grand Rapids, MI 49503  
616-774-8000  
[chuang@shrr.com](mailto:chuang@shrr.com)  
[jpaasch@shrr.com](mailto:jpaasch@shrr.com)

Leigh M. Schultz (P71038)  
Ashley N. Higginson (P83992)  
Attorneys for Defendant  
Miller, Canfield, Paddock and Stone, P.L.C.  
277 S. Rose Street, Suite 5000  
Kalamazoo, MI 49007  
269-381-7030  
[Schultzl@millercanfield.com](mailto:Schultzl@millercanfield.com)  
[Higginson@millercanfield.com](mailto:Higginson@millercanfield.com)

---

**DEFENDANT'S NOTICE OF REMOVAL**

NOW COMES the Defendant, Betten Hyundai, Inc., pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, and gives notice of removal of this action from the Circuit Court for the County of Muskegon, Michigan, to the United States District Court for the Western District of Michigan, Southern Division. Defendant denies the allegations contained in the Complaint and the damages alleged, and files this Notice without waiving any defenses, exceptions, or obligations that may exist in its favor in state or federal court. In support of this Notice, Defendant states as follows:

1. On or about July 30, 2020, a lawsuit was commenced by Plaintiff, Judith Wasilewski, against Defendant, Betten Hyundai, Inc., in the Circuit Court for the County of

Muskegon, State of Michigan, bearing Case No. 20-002900-CK (the “State Court Action”). (A copy of the State Court Action’s Summons and Complaint is attached as Exhibit A.)

2. On August 26, 2020, Defendant’s counsel executed an Acknowledgment of Service of the Summons and Complaint and returned same to Plaintiff’s counsel. (A copy of the August 26, 2020 Acknowledgment of Service is attached as Exhibit B.)

3. On August 31, 2020, Plaintiff filed Defendant’s Acknowledgment of Service with the Clerk of the Circuit Court for the County of Muskegon. (A copy of the August 31, 2020 correspondence is attached as Exhibit C.)

4. On information and belief, Plaintiff is now and was at the time of commencement of the action a citizen and resident of the State of Michigan.

5. Defendant is now and was at the time of commencement of the action a Michigan corporation with its principal place of business located at 2477 Henry St, Muskegon, MI 49441.

6. The Complaint alleges eight claims (1) breach of contract; (2) state law conversion under MCL 600.2919a; (3) common law conversion; (4) unjust enrichment; (5) promissory estoppel; (6) violation of Michigan’s Sales Representative Commission Act, MCL 600.2961; (7) violation of the Fair Labor Standards Act (“FLSA”); and (8) retaliation in violation of the FLSA.

7. This Court has original jurisdiction under 28 U.S.C. § 1331 “of all civil actions arising under the Constitution, law, or treaties of the United States,” including all FLSA claims in this action.

8. This Court also has supplemental or pendent jurisdiction over Plaintiff’s additional claims pursuant to 28 U.S.C. § 1367.

9. Pursuant to 28 U.S.C. § 1446(b), this Notice is timely, having been filed with this Court within thirty (30) days after service on Defendant of the Summons and Complaint. No further proceedings have occurred in the State Court Action.

10. Pursuant to 28 U.S.C. § 1446(a), a copy of all pleadings filed in this matter are attached hereto. (See Exhibit A.)

11. A true and correct copy of this Notice has been sent to the Clerk of the Circuit Court of Muskegon County, Michigan for filing and to Plaintiff as required under 28 U.S.C. § 1446(d).

WHEREFORE, based on the foregoing, Defendant gives notice of removal of the State Court Action to the United States District Court for the Western District of Michigan, and requests that all future proceedings be held in this Court.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Date: September 10, 2020

/ s / Leigh M. Schultz

Leigh M. Schultz (P71038)  
Ashley N. Higginson (P83992)  
Attorneys for Defendant  
277 S. Rose Street, Suite 5000  
Kalamazoo, MI 49007  
269-381-7030  
schultzl@millercanfield.com  
higginson@millercanfield.com